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MENOVA INTERNATIONAL, INC., GESIVA
MEDICAL, LLC, JAMES J. ELIST, M.D., A
MEDICAL CORPORATION, and DR. JAMES ELIST

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

EDWARD PEÑA, individually and on
behalf of others similarly situated,

Plaintiff,

v.

INTERNATIONAL MEDICAL
DEVICES, INC., MENOVA
INTERNATIONAL, INC., GESIVA
MEDICAL, LLC, JAMES J. ELIST M.
D., a Medical Corporation, and Dr. James
ELIST

Defendants.

Case No. 2:22-cv-03391-SSS (PLAx)

Judge: Hon. Sunshine S. Sykes

**STIPULATION REGARDING
DEADLINE FOR PLAINTIFF TO
FILE THIRD AMENDED
COMPLAINT AND BRIEFING
SCHEDULE ON DEFENDANTS'
RESPONSIVE PLEADING**

[Filed concurrently with [Proposed]
Order]

Complaint Filed: May 25, 2022
First Am. Compl. Filed: June 15, 2022
Second Am. Compl. Filed: Jan. 20, 2023

1 The parties jointly file this Stipulation to allow Plaintiff to file his Third
2 Amended Complaint and set a briefing schedule for Defendants' anticipated Motion to
3 Dismiss the Third Amended Complaint.

4 WHEREAS, Plaintiff wishes to file his Third Amended Complaint adding
5 another proposed Class Representative and making certain other amendments to his
6 allegations;

7 WHEREAS, Defendants consent to the filing of the Third Amended Complaint;

8 WHEREAS, Defendants intend to file a motion to compel arbitration and/or a
9 motion to dismiss the Third Amended Complaint, and the parties wish to set a briefing
10 schedule for the motions;

11 IT IS HEREBY STIPULATED by and between the parties to this action
12 through their designated counsel that:

13 1. Plaintiff shall file his Third Amended Complaint on July 19, 2023.

14 2. Defendants shall file any motion to compel arbitration and/or motion to
15 dismiss and/or response to the Third Amended Complaint on or before August 14,
16 2023.

17 3. Plaintiff shall respond to any opposition by September 5, 2023.

18 4. Defendants shall file any reply in support of their motion to compel
19 arbitration and/or motion to dismiss by September 19.

20 IT IS SO STIPULATED.

21
22 Dated: July 17, 2023

Respectfully submitted,

23 CADDELL & CHAPMAN

24 By: /s/ Amy E. Tabor

25 Michael A. Caddell
26 Cynthia B. Chapman
27 Amy E. Tabor

1 Dated: July 17, 2023

SHOOK, HARDY & BACON L.L.P.

2 By: /s/ Amir M. Nassihi

3 Amir M. Nassihi

4 Michael L. Mallow

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17 Attorneys for Defendants

18 INTERNATIONAL MEDICAL DEVICES,

19 INC., MENOVA INTERNATIONAL,

INC., GESIVA MEDICAL, LLC, JAMES

20 J. ELIST M.D., a Medical Corporation, and

21 DR. JAMES ELIST

1 **ATTESTATION PURSUANT TO LOCAL RULE 5-4.3.4(a)(2)(i)**

2 I, AMIR NASSIHI, am the ECF User whose identification and password are
3 being used to file this document. In compliance with Civil Local Rule 5-
4 4.3.4(a)(2)(i), I hereby attest that all signatories have concurred in this filing.

5
6 Dated: July 17, 2023

/s/ Amir M. Nassihi

7 Amir M. Nassihi
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